

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION**

**JEROME W. GRIFFIN, for)
himself and all others similarly)
situated,)
Plaintiff,)
v.) **CIVIL ACTION NO.**
ALABAMA GAS)
CORPORATION,)
Defendant.) **2:06-cv-365-MEF****

AFFIDAVIT OF DENISE MOYE

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Before me, this undersigned authority, personally appeared Denise Moye, who is known to me and being duly sworn, deposes and says as follows:

1. My name is Denise Moye. I am the Human Resources Representative for Alabama Gas Corporation. I have held this position since October 1, 2004. The matters stated in this affidavit are based on my personal knowledge, as well as a review of company documents.

2. As part of the Company's response to a document Jerome Griffin's lawyer filed in this case, I was asked to review the supervisory positions the Company has filled since August 14, 2006, in which the Company used the Hogan

Personality Inventory (“HPI”) assessment and the structured interview as part of the selection decision. Based on my review of company files, since August 2006, the Company has posted 8 supervisory positions for which it utilized the HPI and structured interviews. 14 African Americans applied for these positions.

3. The break down of the African American applicants, if any, for these positions is as follows:

- a. December 11, 2006 – Field Supervisor – Construction. Robert Blevins and Jerry Crawford applied for this position. Both passed the HPI and structured interview and Blevins was promoted on December 11, 2006;
- b. December 11, 2006 – Field Supervisor I & O. Juanita Austin applied for this position. Austin did not have to retake the HPI or structured interview since she had previously successfully completed both. However, she was ineligible for promotion consideration because of performance infractions. Under Policy No. 005, Job Opportunity Program (“JOP”), “an employee is eligible to submit a JOP application if the employee meets performance expectations in their current position.”;

- c. June 11, 2007 – Operations Supervisor – Gadsden. David Higgins applied for this position. He passed the HPI, but was unsuccessful in the structured interview;
- d. July 25, 2007 – Operations Supervisor – Montgomery. Evon Moss applied for this position. She failed the HPI and, thus, did not advance to the structured interview;
- e. July 2007 – Operations Supervisor – Selma, which the Company decided not to fill. Ralph Brooks, Greg Chestnut, Thomas Ferguson and Jerome Griffin applied for this position. Jerome Griffin did not have to take the HPI since he had already successfully completed it. Thomas Ferguson was ineligible to apply for promotion under the JOP policy because of performance infractions and thus was not allowed to take the HPI. Ralph Brooks failed the HPI. Greg Chestnut passed the HPI. However, he and Jerome Griffin both failed the structured interview;
- f. July 30, 2007 – Operations Supervisor – Anniston. Howard Jackson Edna Richardson and George Watson applied for this position. Jackson and Richardson failed the HPI. Watson passed the HPI but was unsuccessful in the structured interview;

g. July 23, 2007 – Field Supervisor – Construction. Sylvester Cannon and Jerald Thornton applied for this position. Cannon did not have to take the HPI since he had already passed it. Thornton passed the HPI but, like Cannon, he failed the structured interview; and

h. July 23, 2007 – Field Supervisor – I & O July 23, 2007. No African American applied for this position.

4. The foregoing affidavit consisting of 4 pages is true and correct to the best of my knowledge.

Denise Moyer
Denise Moyer

ACKNOWLEDGMENT

SWORN TO AND SUBSCRIBED TO BEFORE ME, this 14th day of August, 2007.

Debra Duvie
Notary Public
My commission expires: 6/4/2009

Notary Seal